

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ACTUS, LLC,

Plaintiff,

v.

BANK OF AMERICA CORP., et al.

Defendants.

CIVIL ACTION NO. 2:09-cv-102-TJW

JURY TRIAL DEMANDED

STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE

Plaintiff, Actus, LLC (“Actus”) and Defendant, MasterCard International, Inc., (“MasterCard”), pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby respectfully move for an order dismissing all claims and counterclaims in this action WITH PREJUDICE, with each party to bear its own costs, expenses and attorneys fees.

Dated: February 10, 2010

Respectfully Submitted,

MASTERCARD INTERNATIONAL, INC.

ACTUS, LLC

By: /s/ Robert C. Scheinfeld

Robert C. Scheinfeld

Pro Hac Vice

By: /s/ William E. Davis, III

William E. Davis III

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ATTORNEY FOR DEFENDANT

MASTERCARD INTERNATIONAL, INC.

ATTORNEY FOR PLAINTIFF

ACTUS, LLC

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email, on this the 10th day of February, 2010.

/s/ William E. Davis, III
William E. Davis, III